

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

ARBITRATION - SUITS – Settlement of Arbitration Awards dated 20-11-1989 and 11-12-1989 in respect of the works providing lining to bed and side slopes from KM 2/2 to M 2/3 and 2/5 to 2/6 of Darsi Branch Canal, Prakasam District awarded to Sri K. Sankaraiah, Contractor vide L.S.Agreement No.13418/SE/82-83, dated 12-05-1982 - Sanction an amount of Rs.1,35,000/- as full and final settlement – Orders – Issued.

IRRIGATION & C.A.D. (ARB.) DEPARTMENT.

G.O.(Ms.)No 287

Dated:03.11.2009

Read the following:-

1. From Sri K. Sankaraiah, Contractor, repn. dt. NIL.
2. Govt.Memo.No.17701/ARB/08, dated 23-09-2008.
3. From the ENC (Med.Irrgn.), Hyd., Lr.No.ENC/Med/DCEIII/ OT1/ARB-9/2008, dated 03-01-2009.
4. From the CE, N.S.Project, Camp Office, Guntur, Lr.No.CE/NSP/GNT/CO/OT2/AE1//2220/98, dated 16-09-2009.

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O R D E R:

Sri K.Sankaraiah, Contractor, Nellore District in his representation first read above, has stated that he was awarded the works providing lining to bed and side slopes from KM 2/2 to M 2/3 and 2/5 to 2/6 of Darsi Branch Canal, Prakasam District. During the course of the execution of the work certain disputes have arisen between him and Government. Those were referred to the Sole Arbitrator. The Sole Arbitrator passed the award during 1990. Against the said award, the Govt. filed O.P. No.7/1990 and 12/1990 to set aside the award and the contractor has filed O.P. to make the award rule of court on the file of Subordinate Judge, Markapur. By a common order dated 07-08-1993 the O.P. filed by the Dept. was dismissed and decreed the O.P. filed by him. Against this, Govt. filed CMA No.1753 and 1754 of 1993 and CRP No.4189 and 4190 of 1993 before the Hon'ble High Court of A.P. Based on the directions of the Hon'ble High Court dt.19-06-2007, the contractor has expressed his willingness for amicable settlement.

2. In the Govt. Memo. second read above, after obtaining the report from the Chief Engineer, N.S.Project, Camp Office, Guntur, the matter has been referred to the Committee constituted for Rayalaseema Region for negotiation with the contractor.

3. The Engineer-in-Chief, Medium Irrigation, I & CAD Dept., Hyd., in his letter third read above, has furnished the report of the Committee dated 08-12-2008, wherein, after negotiation with the contractor, the Committee has recommended the total amount of Rs.1,36,039/- for settlement in respect of the two reaches of subject work.

4. In compliance of the directions of the Hon'ble High Court of Andhra Pradesh, Hyderabad in C.R.P.Nos.4189 & 4190 of 1993 and C.M.A. Nos.1753 & 1754 of 1993, dated 19-06-2007, the Principal Secretary to Govt., I & C.A.D. Department has conducted final conciliation with the contractor on 03-01-2009 and the contractor has finally agreed for an amount of Rs.1,35,000/- as full and final settlement towards two reaches of the subject work and furnished a notarized affidavit to that effect duly declaring that he will withdraw all his legal proceedings in A.P. High Court or in any other courts in respect of the two reaches of subject work.

P.T.O.

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5. After careful examination of the matter, Government hereby sanction an amount of Rs.1,35,000/- (Rupees one lakhs thirty five thousand only) towards full and final settlement of the Arbitration Awards dated 20-11-1989 and 11-12-1989 in respect of the works providing lining to bed and side slopes from KM 2/2 to 2/3 and 2/5 to 2/6 of Darsi Branch Canal, Prakasam Distract awarded vide L.S.Agreement No.13418/SE/82-83, dated 12-05-1982 to Sri K.Sankaraiah, Contractor.

6. The amount sanctioned in para (5) above, shall be debited to the following Head of Account: **"M.H.2701 -101 – NSP – 01 – MIC – G.H. – 11 Normal State Plan – S.H. 27 C & D"**

7. The Chief Engineer, I & CAD Department, N.S.Project, Camp Office, Guntur, is directed to arrange to pay the amount sanctioned at para (5) above to Sri K.Sankaraiah, Contractor, duly deducting the amounts that are recoverable on whatsoever account from him.

8. This order issues with the concurrence of Finance (W&P) Dept. vide their U.O.No.4094/F2(1)/09-1, dated 29-10-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Chief Engineer, Nagarjunasagar Project, Camp Office, Guntur.

The Pay & Accounts Officer, Hyderabad.

The Director of Works Accounts, A.P., Hyderabad.

Sri K.Sankaraiah, R/o.Peddapadu Village, Kaligiri Mandal, Nellore District.

Copy to:

The Engineer-in-Chief, Medium Irrigation, I & CAD Department,
Jalasoudha Building, Errum Manzil, Hyd.

The I & CAD (P&B) Department.

The Finance (W&P) Department. (with a request to release LOC
for the sanctioned amount).

The Accountant-General, Andhra Pradesh, Hyderabad.

The Learned Advocate-General, High Court of Andhra Pradesh,
High Court Buildings, Hyderabad.

The Government Pleader for Irrgn., High Court of Andhra Pradesh,
High Court Buildings, Hyderabad.

S.F. S.Cs.

// FORWARDED :: BY ORDER //

SECTION OFFICER.